

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 783 Soil and Water Conservation Districts

SPONSOR(S): Truenow

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee		Leshko	Miller
2) State Affairs Committee			

SUMMARY ANALYSIS

In 1937, the Florida Legislature enacted ch. 582, F.S., also known as the Soil and Water Conservation Law. This legislation established a state and local partnership with the federal government to protect and restore soil and water resources and to assist private landowners in using conservation practices, creating the soil and water conservation districts (SWCD). The purpose of SWCD is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.

Currently, there are 56 active independent SWCD, five active dependent SWCD, and two inactive SWCD.

The bill repeals ch. 582, F.S., abolishing all SWCD and provides that all assets and liabilities of the active independent SWCD transfer to one of the five water management districts and all assets and liabilities of the active dependent districts transfer to the county within which they are currently located. The bill makes additional conforming changes.

The bill is not projected to significantly impact state and local mandatory revenues or expenses.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.² The charter of a special district created by special act may be altered or amended by subsequent special acts.³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴ A "dependent special district" is a special district created by and subject to significant control by the governing body of a single county or municipality.⁵ An "independent special district" is any district that is not a dependent special district.⁶

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁷

Inactive Special Districts

Special districts are declared inactive when the Department of Economic Opportunity (DEO) is notified that the district has taken no action for at least two years, the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for at least two years, the district has unanimously adopted a resolution declaring the district inactive, the district fails to respond to an inquiry from DEO within 21 days, the district has failed to file certain reports,⁸ or the district has not had a registered office and agent on file with DEO for at least a year.⁹ If a special district is declared inactive the property or assets of the district are subject to legal process for payment of any debts of the district. After the payment of any outstanding debts, the remainder of its property or assets escheats to the county or municipality wherein the district is located.¹⁰ A special district declared inactive must be dissolved by repealing its enabling laws or by other means.¹¹ It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness.¹²

¹ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

² See ss. 189.02(1), 189.031(3), and 190.005(1), F.S.; See generally s. 189.012(6), F.S.

³ Local Administration and Veterans Affairs Subcommittee, *Local Bill Policies and Procedures Manual 2020 – 2022*, p. 23, <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Bill+Policy+and+Procedures+Manual.pdf> (last accessed Feb. 10, 2022).

⁴ Local Administration and Veterans Affairs Subcommittee, *The Local Gov't Formation Manual 2020 – 2022*, pp. 60-61, <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last accessed Feb. 10, 2022).

⁵ S. 189.012(2), F.S. Types of such control include the county or municipality governing body acting as the district governing body, having the authority to appoint or remove at will district board members, or having final approval authority over the district's budget.

⁶ S. 189.012(3), F.S.

⁷ Art. VII, s. 9(a), Fla. Const.

⁸ S. 189.066, F.S.

⁹ S. 189.062(1)(a), F.S.

¹⁰ S. 189.062(2), F.S.

¹¹ Ss. 189.071 and 189.072, F.S. (providing for the merger or dissolution of a dependent special district and the dissolution of an independent special district, respectively).

¹² S. 189.03(1)(b), F.S.

Dissolution of Special Districts

If not by voluntary action, an active, independent special district created by special act may be dissolved by vote of the resident electors of the district or the affected landowners, if the majority of members of the district's governing body are elected by landowners.¹³ If the district was created by a county or municipality, it may be dissolved by local referendum or the same procedure by which the district was created.¹⁴ Additionally, a dependent special district may be merged or dissolved by an ordinance of the county or municipality within which it is located.¹⁵ However, any dependent special district created by special act may only be dissolved by act of the Legislature.¹⁶

Upon dissolution of a special district the title to all district property shall transfer to the local general-purpose government, which also must assume all indebtedness of the preexisting special district.¹⁷

Soil and Water Conservation Districts (SWCD)

History and Purpose of SWCD

In response to the 1930's Dust Bowl disaster,¹⁸ in 1935 the United States Congress declared soil and water conservation a national policy and priority, intending to elicit the active support of landowners on a local level. Shortly thereafter, in 1937, the Florida Legislature enacted ch. 582, F.S., also known as the Soil and Water Conservation Law.¹⁹ This legislation established a state and local partnership with the federal government to protect and restore soil and water resources and to assist private landowners in using conservation practices, providing for the creation of SWCD.²⁰ The purpose of SWCD is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.²¹ The overall goal of creating SWCD was to promote the efficient use of soil and water resources by protecting water quality and preventing floodwater and sediment damage.²²

Other State and Regional Governmental Agencies and SWCD Associations

Since the creation of SWCD, Florida has established other state and regional governmental agencies to manage and protect the state's land and water resources, as well as to regulate water supply, water quality, and flood control: the Florida Department of Environmental Protection (DEP) and the five water management districts (WMD).²³

¹³ S. 189.072(2)(a), F.S.

¹⁴ S. 189.072(2)(b), F.S.

¹⁵ S. 189.071(1), F.S.

¹⁶ S. 189.071(2), F.S.

¹⁷ S. 189.076(2), F.S.

¹⁸ "[N]ame given to the drought-stricken Southern Plains regions of the United States, which suffered severe dust storms during a dry period in the 1930s. . . . By 1934, an estimated 35 million acres of formerly cultivated land had been rendered useless for farming, while another 125 million acres . . . was rapidly losing its topsoil." History, *Dust Bowl*, (Aug. 5, 2020), <https://www.history.com/topics/great-depression/dust-bowl> (last visited Feb. 10, 2022).

¹⁹ Ch. 1937-18144, Laws of Florida.; Association of Florida Conservation Districts, *History of Conservation Districts*, <https://afcd.us/history/> (last visited Feb. 10, 2022).

²⁰ Florida Department of Agriculture and Consumer Services (FDACS), *Florida Soil and Water Conservation District Supervisor Handbook* (2018), <https://www.fdacs.gov/content/download/96781/file/florida-soil-and-water-conservation-district-supervisor-handbook.pdf> (last visited Feb. 10, 2022).

²¹ S. 582.02(4), F.S.

²² Michael T. Olexa, Tatiana Borisova, and Jarrett Davis, *Handbook of Florida Water Regulation: Soil and Water Conservation Districts*, Institute of Food and Agricultural Sciences, University of Florida, <https://edis.ifas.ufl.edu/pdf%5C5CFE%5CFE101700.pdf> (last visited Feb. 10, 2022).

²³ FDACS, *supra*, at 1; The five WMD in Florida are: the Northwest Florida WMD, the Suwannee River WMD, the St. Johns River WMD, the Southwest Florida WMD, and the South Florida WMD. S. 373.069(1), F.S.

In addition to their association with DEP and the WMD, SWCD coordinate with a variety of other entities, including the Florida Department of Agriculture and Consumer Services (FDACS) and its Office of Agricultural Policy, the U.S. Department of Agriculture, the Natural Resources Conservation Service, the National Association of Conservation Districts, the Association of Florida Conservation Districts, the Florida Conservation District Employees Association, the University of Florida's Institute of Food and Agricultural Sciences, Florida Farm Bureau, and DEO. SWCD also partner with the counties they serve, specifically for conservation and education. The counties are a significant source of funding and other resources for SWCD. Supervisors of a SWCD may also invite any municipality or county located within or near its boundaries to designate a representative from its legislative body to advise and consult with the supervisors on all questions of program and policy which may affect the property, water supply, or other interest of such municipality or county.²⁴ The boards of county commissioners may assist SWCD with partnership opportunities and local conservation projects.²⁵

Creation of SWCD

Any 10 percent of landowners within the territory of the proposed SWCD may petition the FDACS to organize a SWCD. The petition must include the following:

- The proposed name of the SWCD;
- That there is a need, in the interest of the public health, safety, and welfare, for a SWCD to function in the territory;
- A description of the territory proposed to be organized as a SWCD; and
- A request that DEO define the boundaries for such SWCD, hold a referendum within the territory on the question of the creation of a SWCD in the territory, and determine that such a district be created.²⁶

Within 30 days of such a petition being filed, DEO must give notice and hold a meeting of affected landowners to discuss the desirability and necessity of creating such a district, the appropriate boundaries, and the accuracy and completeness of the petition. If after the first hearing creating such a district appears desirable, a second hearing must be held and noticed throughout the entire area considered for inclusion in the district. After both hearings DEO determines whether there is a need for a SWCD and either grants or denies the petition. A new petition regarding the same or substantially same territory cannot be refiled for six months after a denial.²⁷

If DEO grants a petition for creation of a SWCD, FDACS must then determine whether the creation of such a district is administratively practicable and feasible. FDACS holds a referendum within the proposed district at which all owners of land lying within the boundaries of the territory shall be eligible to vote.²⁸ Additionally, FDACS takes into account a variety of economic and social factors that may be relevant to the determination, but may not determine that the creation of a SWCD is administratively practicable and feasible unless at least a majority of the votes cast at the referendum are in favor of the creation of the district.²⁹

If FDACS determines that the operation of the proposed SWCD within the defined boundaries is administratively practicable and feasible, an application must be filed with the Department of State accompanied by a statement from FDACS certifying that the proper proceedings were taken upon the filing of the initial petition for creation.³⁰ The Department of State, pending any issues with the name chosen for the district, will thereafter record the application and statement and issue a certificate of the due organization of the district and thereafter record the certificate.³¹

²⁴ S. 582.19(5), F.S.

²⁵ FDACS, *supra*, at 17-20.

²⁶ S. 582.10(1)(a-d), F.S.

²⁷ S. 582.11, F.S.

²⁸ S. 582.12, F.S.; FDACS pays all expenses for the issuance of required notices and the conduct of hearings and referenda. S. 582.13, F.S.

²⁹ S. 582.14, F.S.

³⁰ S. 582.15(1), F.S.

³¹ S. 582.15(2), F.S.

Soil and Water Conservation Council³²

The Soil and Water Conservation Council (Council) in FDACS is intended to serve as an oversight function for SWCD.³³ The Council is composed of seven members who have been involved in the practice of soil or water conservation, or in the development or implementation of interim measures or best management practices related thereto, and who have been engaged in agriculture or an occupation related to the agricultural industry for at least five years at the time of their appointment.³⁴ The Commissioner of FDACS (Commissioner) appoints each member to four-year terms.³⁵ The Council is tasked with reviewing requests for the creation or dissolution of SWCD and making recommendations to the Commissioner regarding the requests.³⁶ Additionally, upon request of the Governor or a district, the Council provides recommendations to the Governor regarding the removal of supervisors.³⁷

Governing Board of SWCD

The governing body of a SWCD consists of five supervisors serving staggered four-year terms. Elections for supervisors are held every two years at the time of the general election. The office of the supervisor is a nonpartisan office.³⁸ Each supervisor must qualify as required in the election law.³⁹ A supervisor holds office until a successor has been elected and qualified. The Governor may remove any supervisor upon notice and hearing, for neglect or malfeasance in office, but for no other reason.⁴⁰ Supervisors do not receive compensation but may be reimbursed for travel expenses.⁴¹

Powers of SWCD

SWCD and the supervisors have the following statutorily-granted powers:

- To conduct surveys, studies, and research relating to soil and water resources and to publish and disseminate the results of such surveys, studies, research, and related information;⁴²
- To conduct agricultural best management practices demonstration projects and projects for the conservation, protection, and restoration of soil and water resources;⁴³
- To cooperate, or enter into agreements with, any special district, municipality, county, WMD, state or federal agency, governmental or otherwise, or owner or occupier of lands;⁴⁴
- To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out soil and water conservation; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of soil and water conservation;⁴⁵
- To make available to landowners agricultural and engineering machinery and equipment, and other materials and equipment, that will assist landowners in carrying out conservation operations;⁴⁶

³² After a review of the FDACS website, it is unclear whether this Council is still functional and operating, as there was no publicly accessible information regarding the Council on the site (last visited Feb. 11, 2022).

³³ S. 582.055(1), F.S.

³⁴ S. 582.06(1)(a), F.S.

³⁵ S. 582.06(1)(b-c), F.S.

³⁶ S. 582.06(2)(b), F.S.

³⁷ S. 582.06(2)(c), F.S.

³⁸ S. 582.18(1), F.S.

³⁹ See ch. 99, F.S., *passim*.

⁴⁰ S. 582.19(4), F.S.

⁴¹ S. 582.19(1) and (2), F.S.

⁴² S. 582.20(1), F.S.

⁴³ S. 582.20(2), F.S.

⁴⁴ S. 582.20(3), F.S.

⁴⁵ S. 582.20(4), F.S.

⁴⁶ S. 582.20(5), F.S.

- To construct, improve, operate, and maintain such structures as may be necessary or convenient for the performance of any conservation operations;⁴⁷
- To sue and be sued in the name of the district, to have a seal, to make and execute contracts, to borrow money and to execute promissory notes;⁴⁸
- To use the services of the county agricultural agents and their offices; and
- To employ additional permanent and temporary staff.⁴⁹

SWCD Activities

Some activities of SWCD include:

- Cooperative programs such as best management practices projects, and Farm Bill programs such as the Environmental Quality Incentives Program, the Conservation Security Program, the Agricultural Conservation Easement Program, and Regional Conservation Partnership Programs;
- Conservation projects focusing on water quality improvement, habitat restoration, and administering cost-share funds to help farmers and other landowners implement conservation practices;
- Demonstration projects focusing on irrigation, drainage, tailwater recovery, erosion control, and waste management;
- Educational workshops on topics like water quality and quantity, pesticide and fertilizer management, watershed engineering, wetlands, soil characteristics, soil tillage techniques, plan identification, invasive plant control, farm ponds, and agricultural production;
- Mobile Irrigation Labs to evaluate agricultural irrigation systems; and
- Planning and rulemaking at the county, regional, state, and federal levels.⁵⁰

SWCD Finances

SWCD obtain funding from a variety of sources, including federal, state, and private funding, state revenue sharing, federal, state, and local government grants, service charges, interest, rents and royalties, donations, and other private sources.⁵¹

The supervisors are required to provide for an annual audit of the accounts of receipts and disbursements.⁵² Annual audits are required to be performed by the Auditor General, or, where the district has not been notified of an Auditor General audit, the district must be audited by an independent certified public accountant it retains and pays from its public funds.⁵³ Districts with revenues or the total of expenditures and expenses between \$50,000 and \$100,000, as reported on the fund financial statement, must be audited every three years.⁵⁴ Districts with revenues or the total of expenditures and expenses in excess of \$100,000 must be audited every year.⁵⁵

Dissolution of SWCD

SWCD may be discontinued if two-thirds or more of the qualified voters in a referendum have voted for discontinuance; if the Council reviews and recommends to the Commissioner that the continued operation of the district is not administratively practicable and feasible; if the district fails to comply with any audit or financial reporting and DEO's inspector general reviews and confirms in writing that the

⁴⁷ S. 582.20(6), F.S.

⁴⁸ S. 582.20(8), F.S.

⁴⁹ S. 582.20(9), F.S.

⁵⁰ FDACS, *supra*, at 5.

⁵¹ Based on a review of Department of Financial Services reports for each SWCD for 2016-2020. Department of Financial Services, *Local Government Financial Reporting*, <https://apps.fldfs.com/LocalGov/Reports/AdHoc.aspx> (last visited Feb. 11, 2022).

⁵² S. 582.19(4), F.S.; S. 582.055(3), F.S.

⁵³ S. 218.39(1), F.S.

⁵⁴ S. 218.39(1)(i), F.S.

⁵⁵ S. 218.39(1)(c), F.S.

district has failed to comply with such requirements; or DEO receives a resolution adopted by the supervisors of the district requesting that the Commissioner issue a certificate determining that the continued operation of the district is not administratively practicable and feasible.⁵⁶ Once the supervisors of a SWCD receive notification from the FDACS that DEO has determined that the continued operation of the district is not practicable or feasible the supervisors must proceed to terminate the affairs of the district.

The supervisors must dispose of all the property belonging to the SWCD at public auction and transfer the proceeds of such sale to the State Treasury, which funds shall be used to liquidate any legal obligations the district may have at the time of its discontinuance. The supervisors are then required to file an application with the Department of State for discontinuance of the district. The Department of State must then issue a certificate of dissolution to the supervisors.⁵⁷ Upon issuance of a certificate of dissolution, the title to all property owned by the preexisting SWCD shall transfer to the local general-purpose government, which shall also assume all indebtedness of the SWCD.⁵⁸

Existing SWCD

Currently, there are 51 active independent SWCD,⁵⁹ five active dependent SWCD,⁶⁰ and two inactive SWCD.⁶¹

Out of the 56 active SWCD, 34⁶² are operating below the \$50,000 threshold which requires an auditing requirement.⁶³ Of those 34, two SWCD- Chipola River and Escambia- have stated on their website or shown in their tentative budget that they are currently unfunded;⁶⁴ at least eight SWCD⁶⁵ have either not reported any revenue sources and show \$0 revenue, or have failed to report entirely for two to as many as five years of the reporting period between 2016 and 2020; and some SWCD, such as Clay County, have reported average revenues and expenditures in the past five years below \$10 for each fiscal year.⁶⁶

There are two SWCD- Okaloosa and Polk- reporting between \$50,000 and \$100,000 prompting an audit every three years.⁶⁷

The remaining 20 active SWCD are audited annually as they report more than \$100,000 in either revenues or expenses.⁶⁸ Of those 20, four SWCD report \$500,000 - \$1,000,000 of either revenues or

⁵⁶ S. 582.30(2) and (3)(a-c), F.S.

⁵⁷ S. 582.31, F.S.

⁵⁸ S. 189.076(2), F.S.

⁵⁹ Division of Community Development, *Official List of Special Districts*, Florida Department of Economic Opportunity (Feb. 10, 2022), <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Feb. 10, 2022). (Alachua, Bradford, Brevard, Broward, Charlotte, Chipola River, Choctawhatchee River, Clay, Collier, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Hamilton, Hardee, Highlands, Hillsborough, Holmes Creek, Indian River, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Madison County, Manatee River, Marion, Nassau, Okeechobee, Orange Hill, Orange, Osceola, Palm Beach, Peace River, Polk, Putnam, Santa Fe, Sarasota, Seminole, South Dade, St. Johns, St. Lucie, Sumter, Suwannee County, Taylor, Tupelo, Volusia, and Wakulla).

⁶⁰ *Id.* (Blackwater, Glades, Hendry, Madison, Union).

⁶¹ *Id.* (Baker and Martin); See *generally* s. 189.062, F.S.

⁶² Alachua, Bradford, Brevard, Broward, Charlotte, Chipola River, Choctawhatchee River, Clay County, Dixie, Duval, Escambia, Franklin, Glades, Hamilton County, Jefferson, Lafayette, Leon, Manatee River, Nassau, Orange, Orange Hill, Osceola, Peace River, Santa Fe, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Taylor, Tupelo County, Union, Volusia, Wakulla County.

⁶³ S. 218.39(1)(i), F.S.

⁶⁴ Chipola Soil & Water Conservation District, *Budget Information*, <https://district.afcd.us/chipolariversoilandwater/> (last visited Feb. 11, 2022); Escambia Soil and Water Conservation District, *Budget Information*, <https://district.afcd.us/escambiasoilandwater/> (last visited Feb. 11, 2022).

⁶⁵ Broward, Charlotte, Clay County, Hamilton County, Orange Hill, Santa Fe, Taylor, and Union.

⁶⁶ DFS, *supra*.

⁶⁷ S. 218.39(1)(i), F.S.; DFS, *supra*.

⁶⁸ S. 218.39(1)(c), F.S.

expenses on average annually,⁶⁹ and five report revenues or expenses of \$1,000,000 or more on average annually.⁷⁰ Four of these nine SWCD are receiving, or have received at least once in the past five years, some form of federal funding.⁷¹ However, these nine SWCD provide only generic language on their respective websites regarding their functions and services provided. This generic language states the services provided are:

- Assisting land owners in their efforts to secure financial assistance through Farm Bill programs to implement conservation practices;
- Conservation education, programs, and information;
- Assisting growers with development of low volume irrigation systems;
- Developing and updating irrigation water management plans;
- Preparing soil surveys and historical maps;
- Local government advice and assistance;
- Youth education; and
- Invasive plant control.⁷²

Most of the websites provide scant information detailing specific services, functions, or projects.⁷³

Effect of Proposed Changes

The bill repeals ch. 582, F.S., abolishing all SWCD and provides that all assets and liabilities of the active independent SWCD transfer to one of the five WMD and all assets and liabilities of the active dependent districts transfer to the county within which they are currently located. The bill makes additional conforming changes.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 582, F.S., which provides for the creation and management of SWCD.

Section 2: Abolishes the following thirteen SWCD and transfers all assets and liabilities of each district to the Northwest Florida Water Management District:

- Escambia SWCD,
- Yellow River SWCD,
- Choctawhatchee River SWCD,
- Holmes Creek SWCD,
- Orange Hill SWCD,
- Jackson SWCD,
- Chipola River SWCD,
- Tupelo County SWCD,
- Gadsden SWCD,
- Franklin SWCD,
- Leon SWCD,
- Wakulla SWCD, and
- Jefferson SWCD.

Section 3: Abolishes the following ten SWCD and transfers all assets and liabilities of each district to the Suwannee River Water Management District:

- Taylor SWCD,
- Hamilton County SWCD,

⁶⁹ Hardee, Hendry, Levy, and Marion. These figures are based on the average expenditures and revenue for the years 2016 to 2020.

⁷⁰ Gilchrist, Highlands, Jackson, Okeechobee, Suwannee. These figures are based on the average expenditures and revenue for the years 2016 to 2020.

⁷¹ DFS, *supra*.

⁷² See e.g. Levy Soil & Water Conservation District, *Services Provided*, <https://district.afcd.us/levysoilandwater/> (last visited Feb. 11, 2022).

⁷³ It appears that most SWCD websites are in violation of the requirements provided for website maintenance in s. 189.069, F.S.

- Suwannee County SWCD,
- Lafayette SWCD,
- Dixie SWCD,
- Santa Fe SWCD,
- Gilchrist SWCD,
- Levy SWCD,
- Bradford SWCD, and
- Alachua SWCD.

Section 4: Abolishes the following thirteen SWCD and transfers all assets and liabilities of each district to the St. Johns River Water Management District:

- Nassau SWCD,
- Baker SWCD,
- Duval SWCD,
- Clay County SWCD,
- St. Johns SWCD,
- Putnam SWCD,
- Marion SWCD,
- Volusia SWCD,
- Lake SWCD,
- Seminole SWCD,
- Orange SWCD,
- Brevard SWCD, and
- Indian River SWCD.

Section 5: Abolishes the following eight SWCD and transfers all assets and liabilities of each district to the Southwest Florida Water Management District:

- Sumter SWCD,
- Polk SWCD,
- Hillsborough SWCD,
- Manatee River SWCD,
- Hardee SWCD,
- Peace River SWCD,
- Sarasota SWCD, and
- Charlotte SWCD.

Section 6: Abolishes the following nine SWCD and transfers all assets and liabilities of each district to the South Florida Water Management District:

- Osceola SWCD,
- Okeechobee SWCD,
- Highlands SWCD,
- Collier SWCD,
- St. Lucie SWCD,
- Martin SWCD,
- Palm Beach SWCD,
- Broward SWCD, and
- South Dade SWCD.

Section 7: Dissolves the Blackwater SWCD and transfers its assets and liabilities to Santa Rosa County.

Section 8: Dissolves the Glades SWCD and transfers its assets and liabilities to Glades County.

Section 9: Dissolves the Hendry SWCD and transfers its assets and liabilities to Hendry County.

Section 10: Dissolves the Madison SWCD and transfers its assets and liabilities to Madison County.

Section 11: Dissolves the Union SWCD and transfers its assets and liabilities to Union County.

- Section 12: Amends s. 120.52(1)(a), F.S., removing entities described in ch. 582, F.S. from the definition of “agency.”
- Section 13: Amends s. 189.0695(3), F.S., conforming the section, removing the requirement that the of Office of Program Policy Analysis and Government Accountability must conduct a performance review of SWCD.
- Section 14: Amends s. 259.032(5), (7)(d-e), and (8)(b), F.S., removing SWCD from the list of entities with which the lead land managing agencies may enter into contracts to perform specific management activities; removing a requirement that the Board of Trustees of the Internal Improvement Trust Fund consider having a SWCD manage acquired lands; removing SWCD from a list of approved entities with which state agencies may contract; and removing SWCD from a list of entities required to be on an advisory group for individual management plans.
- Section 15: Amends s. 259.036(1)(a), F.S., removing a member of the jurisdictional SWCD from the composition of a management review team.
- Section 16: Amends s. 373.1391(1)(d), F.S., removing the requirement that the governing board of a WMD consider creating a SWCD.
- Section 17: Amends s. 373.1401, F.S., removing a reference to SWCD.
- Section 18: Amends s. 373.591(1)(d), F.S., removing a member of the local SWCD from the composition of management review teams.
- Section 19: Amends s. 403.067(1), (3)(a), (6)(a), and (7)(a), F.S., removing the requirement that DEP coordinate in part with local SWCD when:
- Developing and executing the total maximum daily load (TMDL) program;
 - Conducting a TMDL assessment;
 - Determining the information required to develop a TMDL calculation; and
 - Developing a basin management action plan.
- Section 20: Amends s. 570.66, F.S., removing a reference to SWCD.
- Section 21: Amends s. 570.921(3), F.S., removing additional criteria recommended by a SWCD for receipt of an agricultural certification.
- Section 22: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to affect state revenues.

2. Expenditures:

The South Dade SWCD has reported a long-term debt of \$30,000 which may result in a liability for the South Florida WMD. However, the other fifty independent SWCD being abolished and transferring assets and liabilities to one of the five WMD, appear to only carry current operating cost liabilities.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to affect local government revenue.

2. Expenditures:

This bill does not appear to require expenditures from local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to directly impact the private sector.

D. FISCAL COMMENTS:

The abolition of Florida's SWCD would not remove eligibility for agricultural and other conservation grants. However, grants from national conservation organizations, such as, the National Association of Conservation Districts, that partner with the United States DACS, may no longer be available.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES